

ORDINANCE NO. 1710

AN ORDINANCE relating to county right-of-way franchises for public and private utilities; setting fees; and repealing Ord. 996 (1972), Ord. 1020 (1972), Ord. 1036 (1972) and KCC Ch. 6.27.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. PURPOSE. The purpose of this ordinance is to regulate the granting of county right-of-way franchises for public and private utilities to insure consistency of such franchises with the applicable district comprehensive plan, the County Comprehensive Plan, sound engineering and design standards, health and sanitation regulations, and county standards for water mains and fire hydrants.

SECTION 2. FRANCHISES REQUIRED. Persons or private or municipal corporations are required in accordance with RCW 36.55.010, to obtain a right-of-way franchise approved by the King County Council in order to use the right-of-way of county roads for the construction and maintenance of waterworks, gas pipes, telephone, telegraph, and electric lines, sewers, cable TV and petroleum products and any other such public and private utilities.

SECTION 3. APPLICATION. Applications for right-of-way franchises shall be submitted, in a form approved by the Property and Purchasing Division, to the Clerk of the King County Council.

SECTION 4. FRANCHISE APPLICATION AND ADVERTISING FEES; ANNUAL CHARGES ON CATV FRANCHISES.

(a) There is hereby established a fee for reimbursement to King County for the administrative costs and expenses incurred in the consideration and granting of franchises for public and private utilities. The fee provided for herein shall be two hundred dollars (\$200.00) for each separate application (whether a new franchise, amendment, or assignment) payable at the time the application is filed with the Clerk of the Council. In

1 addition, each applicant shall pay the advertising costs incurred
2 by King County in respect to his application. The fees are not re-
3 fundable even if the application is disapproved. All payments re-
4 ceived are to be forwarded to the department of revenue and
5 credited to the county current expense fund.

6 (b) The annual charge for cable TV (CATV) franchises
7 granted after 1 January 1972 shall be six percent of gross revenue.
8 The portion of paragraph eighteen of all CATV franchises granted by
9 resolution or ordinance in the period 1 September 1966 through
10 31 December 1971, which specified that four percent of annual gross
11 income of the grantee be paid to King County is hereby amended from
12 four percent to six percent, effective 1 January 1972. This sub-
13 section shall take effect for the revenue reporting period begin-
14 ning 1 January 1972. All payments received as herein provided are
15 to be forwarded to the department of revenue and credited to the
16 county current expense fund.

17 SECTION 5. REVIEW OF APPLICATIONS; HEARING.

18 (a) Each application for a right-of-way franchise shall
19 be reviewed by the following agencies prior to submission to the
20 King County Council for hearing and decision:

21 (1) King County Property and Purchasing Division,
22 Department of Executive Administration;

23 (2) King County Department of Public Works.

24 (b) In addition, each application for a right-of-way
25 franchise by sewer and water districts and water distributors shall
26 be submitted to the Utilities Technical Review Committee. Approval
27 by that committee is required prior to any submission of the appli-
28 cation to the council for approval. Approval shall be forthcoming
29 if all criteria outlined in Section 6 of this ordinance are met.

30 (c) In accordance with RCW 36.55.040, the council shall
31 set a time and a place for a public hearing on each franchise
32 application which has been reviewed in accordance with subsections

1 (a) and (b). The county shall post notice of such hearing in
2 three public places fifteen days before the hearing and publish
3 notice twice in some daily newspaper in the county not less than
4 five days before the hearing.

5 SECTION 6. CRITERIA FOR APPROVAL.

6 (a) All franchises granted for county right-of-ways
7 shall be consistent with the following criteria:

8 (1) a previously approved comprehensive plan for
9 the applicant;

10 (2) the County Comprehensive Plan;

11 (3) the standards of good practice regarding
12 Accommodation of Utilities on County Road Right-of-Way as
13 published by the county road administration board in the Washington
14 Administrative Code, Chapter 136-40, which has been adopted by
15 King County as policy for the accommodation of utilities on all
16 county roads.

17 (b) In addition, all franchises granted for water
18 and sewer districts and water distributors shall be consistent
19 with the following criteria:

20 (1) health and sanitation regulations of the
21 Seattle-King County Health Department and the state;

22 (2) county standards for water mains and fire
23 hydrants.

24 SECTION 7. REPEAL. In order to eliminate existing
25 provisions duplicative of or inconsistent with this ordinance,
26 Ordinance No. 996 (1972) (King County Code Ch. 6.27.020),
27 Ordinance No. 1020 (1972) (King County Code Ch. 6.27.030),
28 Ordinance No. 1036 (1972) (King County Code Ch. 6.27.010) are
29 repealed as of the effective date of this ordinance.

30 SECTION 8. SEVERABILITY. If any provision of this
31 ordinance or its application to any person or circumstance is
32 declared unconstitutional or invalid for any reason, such decision

1 shall not affect the validity of the remaining portions of this
2 ordinance.

3 SECTION 9. EFFECTIVE DATE. This ordinance shall
4 become effective on the 1st day of July, 1973.

5 INTRODUCED AND READ for the first time this 11th day
6 of June, 1973.

7 PASSED this 25th day of June, 1973.

8 KING COUNTY COUNCIL
9 KING COUNTY, WASHINGTON

10 John T. O'Brien
11 CHAIRMAN

12 ATTEST:

13 Dorothy M. Quinn
14 Deputy Administrator-Clerk
15 King County Council

16 APPROVED this 26th day of June, 1973.

17 Ed Spallman
18 King County Executive
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